

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22173-2016 (O&M)

Date of Decision:- 25.07.2016

Sunny Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Raman Chawla, Advocate, for the petitioner.

Mr. A.P.S. Gill, Asstt. Advocate General, Punjab.

Mr. Gurcharan Dass, Advocate, for the complainant.

RITU BAHRI, J. (Oral)

Present petition has been filed for grant of anticipatory bail to the petitioner in case FIR No.85 dated 11.05.2016 under Section 306 IPC (offences under Sections 305 and 309 IPC were added later on), registered at GRP Ludhiana, District GRP Ludhiana.

Petitioner and deceased were in love with each other, which was not to the liking of the parents of Harpreet Kaur @ Preeti. On 31.03.2016, the proceedings under Section 174 Cr.P.C. were carried out by the police and statement of the driver of the train was recorded, wherein, he stated that both boy and the girl ran towards the train, resultantly, struck against the train but the boy survived and the girl died on account of the incident.

had pushed the girl before the train. The girl being minor the anticipatory bail was declined to the petitioner by the Vacation Judge, Ludhiana on 21.06.2016.

Learned counsel for the petitioner had argued that complaint was made to the police after 1½ months and the delay was sufficient to render the version of the complainant false. While dismissing the bail application this fact has not been taken into consideration that the statement of the driver was recorded under Section 164 Cr.P.C. where he stated that both boy and the girl ran towards the train but somehow the boy survived and the girl was died on account of the incident. Hence, no offence under Section 306 IPC is made out against the present petitioner.

Learned State counsel, on instructions from S.I. Ram Parkash, has submitted that offence under Sections 305 and 309 IPC have been added later on and the petitioner has suffered only minor injuries whereas deceased Harpreet Kaur @ Preeti has died on account of major injuries in the incident.

Moreover, as per the admission card (Annexure P-2) deceased Harpreet Kaur @ Preeti was brought by the ambulance having multiple injuries. She was gasping with blood stained vomiting. The petitioner has placed on record his admission record (Annexure P-3) to show that he had also suffered injuries along with deceased Harpreet Kaur @ Preeti but injuries suffered by him are simple in nature. If the version of the train driver is to be believed that both petitioner and deceased ran towards the train and resultantly struck against the train, the petitioner had struck against the fast moving train, then, he would receive some major injuries,

which in the present case is missing.

In the light of aforesaid reasons, taking into consideration the the allegations of offences against the petitioner and without commenting further anything on merits, the instant petition for anticipatory bail filed by the petitioner is hereby dismissed.

Needless to mention that nothing observed, here-in-above would reflect on merits of the main case, in any manner, during the course of trial.

July 25, 2016
naresh.k

(**RITU BAHRI**)
JUDGE